

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PICTURE PERFECT, LLC, and THE
FLETCHER-TERRY COMPANY, LLC

Plaintiffs,

v.

IDEA STREAM, INC. and HERBERT
BIGELOW

Defendants.

COMPLAINT

Plaintiffs Picture Perfect, LLC (“Picture Perfect”) and The Fletcher-Terry Company, LLC (“Fletcher-Terry”) (collectively, “Plaintiffs”) file this Complaint and demand for jury trial against Defendant Idea Stream, Inc. (“Idea Stream”) and Herbert Bigelow (collectively, “Defendants”) for patent infringement. Plaintiffs state and allege the following:

PARTIES

1. Plaintiff Picture Perfect is a Limited Liability Corporation organized and existing under the laws of Delaware, with a principal place of business located at 235 West Boylston Street, West Boylston, MA 01583.

2. Plaintiff Fletcher-Terry is a Limited Liability Corporation organized and existing under the laws of Connecticut, with a principal place of business located at 91 Clark Drive, East Berlin, Connecticut 06023.

3. Upon information and belief, Defendant Idea Stream Inc. is a corporation organized and existing under the laws of Indiana, with a principal place of business located at 10845 Forestdale St., Saint John, IN 46373.

4. Upon information and belief, Defendant Herbert Bigelow is an individual residing at 10845 Forestdale St., Saint John, IN 46373. Upon information and belief, Mr. Bigelow is the founder and President of Defendant Idea Stream.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has jurisdiction over the Defendants because, upon information and belief, Defendants have purposefully availed themselves of the privileges and benefits of the laws of the Commonwealth of Massachusetts and have committed acts of infringement within this judicial district.

7. Venue is proper in the District of Massachusetts pursuant to 28 U.S.C. §§ 1391 and 1400. On information and belief, Defendants have committed acts of infringement in this judicial district, have purposefully transacted business involving their accused products in this judicial district, and/or have regular and established places of business in this judicial district.

8. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Massachusetts Long Arm Statute, due at least to their substantial business in this Commonwealth and judicial district, including regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue

from goods sold and services provided to Massachusetts residents, and for conducting at least part of their infringing activities alleged herein in Massachusetts.

STATEMENT OF FACTS

9. U.S. Patent No. 7,836,604 (the “604 Patent”), titled “Picture Hanger Assembly and Method” issued on November 23, 2010. A true and correct copy of the ‘604 Patent is attached as Exhibit A.

10. Picture Perfect is the owner, by assignment, of the ‘604 Patent. Fletcher-Terry has an exclusive license to manufacture, use and sell products covered by the ‘604 Patent.

11. Fletcher-Terry is a company engaged in the manufacture and sale of products related to picture framing and hanging.

12. On information and belief, Idea Stream is a company that sells and offers for sale consumer products, including a line of picture hangers that are offered for sale and sold under the name “Beehive Picture Hangers.” Idea Stream offers its Beehive Picture Hangers for sale over the internet, including offering the Beehive Picture Hangers for sale in Massachusetts.

13. On information and belief, Idea Stream was administratively dissolved by the State of Indiana in 2010. Defendant Idea Stream continues to identify itself as a corporation on the Beehive website, www.beehivehangers.com. Accordingly, Plaintiffs are unable to determine the present structure of the company.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,836,604 BY IDEA STREAM

14. Plaintiffs restate and incorporate paragraphs 1-13 of this Complaint as if set forth fully herein.

15. The '604 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

16. Defendants are making, using, selling, offering for sale and/or importing products, including but not limited to Idea Stream's "Beehive Picture Hangers," that directly infringe the '604 Patent pursuant to 35 U.S.C. § 271 *et. seq.*

17. Defendants are contributing to and/or inducing infringement of the '604 Patent by supplying infringing products to their customers with knowledge of the '604 Patent, as well as supplying instructions to their customers on using the infringing products such that the customers directly infringe the '604 Patent.

18. Defendants' infringement of the '604 Patent has been knowing, deliberate and willful.

19. Plaintiffs have suffered damage as a result of Defendants' infringing conduct described in this Count. Unless injunctive relief is granted, Plaintiffs will continue to suffer irreparable harm in a manner not fully compensable by monetary damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant the following relief, as well as any other relief the Court may deem proper:

a. Enter judgment that Defendants infringe one or more claims of the '604 Patent, literally and/or by the doctrine of equivalents, in violation of 35 U.S.C. §271 *et seq.*;

b. permanently enjoin Defendant Idea Stream, its officers, agents, employees and representative, and all those controlled by or acting in concert or privity with them, and Defendant Herbert Bigelow and his agents, employees and representative, and all those controlled by or acting in concert or privity with him, from infringing the '604 Patent;

- c. award Plaintiffs monetary damages for infringement of the '604 Patent;
- d. award Plaintiffs treble damages and its attorneys' fees for Defendants' willful infringement of the '604 Patent;
- e. enter a declaration that this is an exceptional case;
- f. award Plaintiffs their attorneys' fees and costs in this action; and
- g. grant to Plaintiffs such further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: March 22, 2013

Respectfully submitted,

PICTURE PERFECT, LLC, and THE FLETCHER-
TERRY COMPANY, LLC

By their Attorneys

/s/ Thomas P. McNulty

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